

Solomon Ward Seidenwurm & Smith, LLP
401 B Street, Suite 1200
San Diego, California 92101
(t) 619.231.0303 • (f) 619.231.4755

Levi Y. Silver (SBN 273862)
Owen M. Praskievicz (SBN 292439)
SOLOMON WARD SEIDENWURM & SMITH, LLP
401 B Street, Suite 1200
San Diego, CA 92101
Phone: 619-231-0303
Email: lsilver@swsslaw.com

*Counsel for Defendants EIN Cap,
Inc., Russel Naftali, and Gene Slavin*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IT'S MY SEAT, INC., a California
Corporation; VAHE SHAHINIAN, an
individual

Plaintiffs,

v.

HARTFORD CAPITAL LLC, a Limited
Liability Company; KEVIN WOODLEY,
an individual; EIN CAP, INC., a New
York Corporation; RUSSELL NAFTALI,
an individual; GENE SLAVIN, an
individual; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: 2:22-cv-02192-ODW-AFM

[Assigned to Hon. Otis D. Wright, II]

Related case:
Case No. 2:20-cv-06378-ODW-AFM

**DEFENDANTS' UNOPPOSED *EX*
PARTE APPLICATION TO MODIFY
PRETRIAL SUBMISSIONS &
MEMORANDUM OF POINTS &
AUTHORITIES IN SUPPORT**

Pre-Trial Conference

Date: May 21, 2025
Time: 1:30 p.m.
Place: Courtroom 5D

Trial

Date: June 10, 2025
Time: 9:00 a.m.
Place: Courtroom 5D

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I. Ex Parte Application

Pursuant to Local Rule 7-19, Defendants Kevin Woodley, EIN Cap, Inc., Russel Naftali, and Gene Slavin (collectively “Defendants”) respectfully submit this *ex parte* application to modify the deadlines to file pre-trial submissions by a few days to account for recent developments, including Defendants’ recent retention of new trial counsel and the recent stipulation between Defendants and Plaintiffs It’s My Seat, Inc. and Vahe Shahinian (collectively “Plaintiffs”) to withdraw all jury demands and to proceed with a bench trial on all claims and defenses. Plaintiffs do not oppose this application.

Specifically, Defendants request that the Court’s July 5, 2024, Scheduling and Case Management Order [ECF 99] be modified as follows:

Event	Date
Deadline to File: <ul style="list-style-type: none"> Proposed Pretrial Conference Order; Memoranda and Contentions of Fact and Law; Joint Witness List; Joint Exhibit List and Exhibit Stipulation; Proposed Findings of Fact and Conclusions of Law Joint Report re: Settlement Deposition Designations and Objections 	5/19/25 (changed from 5/14/25)
Deadline to File Motions in Limine;	5/19/2025 (changed from 5/16/25)
Final Pretrial Conference at 1:30 p.m.	5/21/25 (unchanged)
Deadline to file Oppositions to MILs	5/26/25 (changed from 5/23/25)
Hearing on MILs at 1:30 p.m.	6/4/25 (unchanged)
Trial at 9:00 a.m.	6/10/25 (unchanged)

1 **II. Memorandum of Points & Authorities in Support of *Ex Parte***
2 **Application**

3 A. Relevant Background

4 Plaintiffs and Defendants (the “Parties”) had previously requested a jury trial.
5 On November 14, 2023, the Court entered a Scheduling and Case Management
6 Order (Jury Trial) (the “Initial Scheduling Order”) [ECF 72] contemplating a jury
7 trial and the Parties’ submission of pretrial conference documents relevant for a jury
8 trial.

9 On July 5, 2024, the Court issued a stipulated Order (the “Modified
10 Scheduling Order”) [ECF 99] modifying certain dates in the Initial Scheduling
11 Order, setting forth the current trial date and related deadlines.

12 On March 17, 2025, Defendants filed a contested ex parte application
13 requesting a continuance of trial-related dates, noting delays caused by “serious
14 health problems of Defendants’ lead counsel” [ECF 104 at 2]. On March 21, 2025,
15 the Court denied the requested continuance [ECF 106].

16 In the last two weeks, Defendants retained new trial counsel in this case [ECF
17 109, 111].

18 On May 8, 2025, the Parties filed a stipulation withdrawing their jury
19 demands for a jury trial and stipulating to a nonjury trial on all claims and defenses
20 in this case [ECF 110].

21 Also on May 8, 2025, counsel for Defendants met and conferred with counsel
22 for Plaintiffs, Shane Heskin, regarding the request set forth in this *ex parte*
23 application. Mr. Heskin advised that Plaintiffs do not oppose this application.

24 B. Basis for *Ex Parte* Application

25 In light of the Parties’ stipulation to a bench trial, Defendants understand,
26 subject to any orders or directives issued by the Court, that they should submit
27 pretrial documents consistent with those specified in the Court’s standard
28 Scheduling and Case Management Order for a bench trial, including proposed

1 findings of fact and conclusions of law. Defendants file this *ex parte* application
2 seeking a few extra days for the Parties to prepare their pretrial documents that
3 include proposed findings of fact and conclusions of law that they previously did not
4 need to prepare when the parties were contemplating a jury trial.

5 Defendants' new counsel are working around the clock to review the
6 extensive evidence in this case, prepare trial exhibits and witness lists, research
7 applicable law, meet and confer with Plaintiffs' counsel regarding various trial-
8 related matters (some of which led to the parties' recent jury trial waiver), and
9 otherwise prepare to try the case on the schedule set forth in the Modified
10 Scheduling Order.

11 Because this is a complex case raising complex legal issues, any additional
12 time will allow the Parties to potentially narrow or eliminate issues for trial.
13 Additionally, the Parties are actively meeting and conferring about several motions
14 in limine, exhibit objections, and legal and evidentiary issues, and the additional
15 time may allow the Parties to further narrow the issues in dispute.

16 Defendants' counsel are mindful of the Court's admonitions in the Initial
17 Scheduling Order that "these dates and requirements are firm. The Court is unlikely
18 to grant continuances unless the parties establish good cause through a concrete
19 showing" (Initial Scheduling Order at 1) and that "A continuance of the PTC at the
20 parties' request or by stipulation is highly unlikely" (*id.* at 13).

21 Defendants' counsel are also mindful of the Court's admonition in the Initial
22 Scheduling Order that "The proposed PTCO shall be lodged seven calendar days
23 before the PTC, unless the Court specifically orders otherwise. Adherence to this
24 time requirement is necessary for in-chambers preparation of the matter." (Initial
25 Scheduling Order at 14.)

26 Defendants respectfully submit that the above facts, including Defendants'
27 very recent retention of new trial counsel and the parties' very recent stipulation to
28 proceed with a bench trial, constitute good cause for the extensions requested.

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1 Defendants' new counsel is committed to preparing the case for the pretrial
2 conference and trial as currently scheduled by the Court, but request a slight
3 extension of time to prepare and submit certain pre-trial submissions in the interest
4 of justice and in light of the above facts.

5 This is the third request to continue trial-related deadlines by one or both of
6 the Parties. Specifically: (i) on July 5, 2024, the Court granted the parties' joint
7 stipulation to continue trial-related dates [ECF 99], and (ii) on March 31, 2025, the
8 Court denied Defendants' contested ex parte application to continue the trial in light
9 of delays caused by serious health problems of Defendants' former lead counsel
10 (now co-counsel) [ECF 104 (Ex Parte application); ECF 106 (Order denying ex
11 parte application)].

12 For the foregoing reasons, Defendants respectfully request the Court modify
13 the current scheduling order to reflect the proposed dates set forth in Defendants' *ex*
14 *parte* application.

15
16 DATED: May 9, 2025

SOLOMON WARD SEIDENWURM &
SMITH, LLP

17
18 By: /s/ Levi Y. Silver

19 LEVI Y. SILVER

20 OWEN M. PRASKIEVICZ

21 Counsel for Defendants EIN Cap, Inc.,
Russell Naftali and Gene Slavin

22 DATED: May 9, 2025

PARK & LIM

23
24 By: /s/ Young Lim

25 S. YOUNG LIM (SBN 126679)

26 JESSIE Y. KIM (SBN 289173)

27 Counsel for Defendants EIN Cap, Inc.,
Kevin Woodley, Russell Naftali and Gene
28 Slavin

ATTESTATION

Pursuant to L.R. 5-4.3.4, I hereby attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

/s/ Levi Y. Silver
Levi Y. Silver

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